IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

AND
THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 24540 OF 2004

Between:

Naskanti Srinivas, S/o. Yellagoud,
R/o. Chittapur (V), Dubbaka Mandal, Medak District.

..... PETITIONER

AND

1. The Assistant Motor Vehicle Inspector,
   Sangareddy (ENF), Medak District.

2. The Commissioner of Transport, Government of Andhra Pradesh,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the seizure of petitioner's vehicle bearing No. AP.36V 2060 (Make :Mahindra Model: Commander 750 DP) Dt. 18-11-2004 as illegal and improper and consequently direct the respondents to receive the tax without penalty and to release the vehicle bearing No.A.P.36 V 2060 (Make : Mahindra Model: Commander 750 DP) and to pass necessary order or orders

Counsel for the Petitioner: MR.KOTAGIRISREEDHAR

Counsel for the Respondents GP FOR TRANSPORT

The Court at the admission stage made the following :

O R D E R

(Per Sri Justice M.H.S.Ansari)

Liberty to the petitioner to strike out the name of the 1st respondent in the petition as also in the affidavit**.** There is no reason why the 1st respondent has been arrayed in his personal name in the instant writ petition. The name warrants to be deleted.

Having heard learned counsel for respective parties, we are of the view that the instant writ petition needs to be disposed of at this stage with certain observations.

Petitioner has approached this Court directly without taking recourse to the proceedings for release of the vehicle before the appropriate authority. The vehicle of the petitioner was subjected to vehicle Check Report No.2096443 and was seized and detained for the alleged violation/irregularities noticed therein. The Secretary, Regional Transport Authority, is the authority competent to consider the release of vehicle pending enquiry into the offences/irregularities noticed in the vehicle check report.

In such view of the matter, if the petitioner makes a representation before the Secretary, Regional Transport Authority, Sangareddy for release of the vehicle, it shall be open to the authority to consider the representation on its own merits and dispose of the same expeditiously, preferably within a period of three days from receipt of such representation.

With the observations as above, writ petition accordingly stands disposed of. We need to clarify that we have not gone into the merits of the main controversy and all questions are kept open.

JUSTICE M.H.S.ANSARI

JUSTICE ELIPE DHARMA RAO

29th December, 2004

Note: Issue C.C. on priority basis.

(B/O) PGS

To

1. The Assistant Motor Vehicle Inspector,
   Sangareddy (ENF), Medak District.

2. The Commissioner of Transport, Government of Andhra Pradesh,

Hyderabad.

3. 2 CCs to the Govt. Pleader for Transport, High Court Buildings,

A.P. Hyderabad (OUT).

4. 2 CD copies.

THE HON'BLE MR JUSTICE M.H.S. ANSARI

AND
THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 24540 of 2004

(Per Sri Justice M.H.S.Ansari)

29th December, 2004